

PROVIDING FOR REINSTATEMENT AND VALIDATION OF
UNITED STATES OIL AND GAS LEASE NUMBERED
NM-12846

MAY 27 (legislative day, MAY 25), 1982.—Ordered to be printed

Mr. McClure, from the Committee on Energy and Natural
Resources, submitted the following

REPORT

[To accompany S. 1877]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1877) to provide for the reinstatement and validation of United States oil and gas lease numbered NM-12846, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

On page 2, lines 3 and 4, delete the words "continues and all other terms of the lease are met:", and insert the word "continues:".

PURPOSE

The purpose of S. 1877 is to provide for the reinstatement and validation of United States oil and gas numbered NM-12846.

BACKGROUND AND NEED

The bill reinstates a non-competitive oil and gas lease of the Gulf Oil Exploration and Production Company-U.S. which was automatically terminated under section 31 of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188). This section provides that an oil and gas lease shall be automatically terminated in the event the lessee fails to pay the annual rental amount on or before the anniversary date of the lease with the possibility of reinstatement under certain circumstances if full payment is made within 20 days after the anniversary date.

The Congress in 1954 enacted Public Law 83-555 which amended the Mineral Lands Leasing Act of 1920 to provide for the automatic termination of a Federal oil and gas lease in those instances where the

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lessee failed to pay the lease rental amount on or before the anniversary date of the lease. The law provides no discretion to the Secretary of the Interior to reinstate a lease. Implementation of the law resulted in the termination of a substantial number of oil and gas leases for late or incorrect rental payments, which led to the introduction of numerous private and public relief bills seeking reinstatement.

During 1970 Congress enacted Public Law 91-245 to reduce the number of public and private relief bills being introduced in the Congress by amending the Mineral Lands Leasing Act to provide the Secretary with limited authority to reinstate oil and gas leases automatically terminated by section 31 of the Act (30 U.S.C. 188). The Secretary under Public Law 91-245 was given discretion to reinstate a lease terminated for failure to pay rent when the full rental amount is paid within 20 days after the anniversary date if the failure to pay on or before the anniversary date was either justifiable or not due to the lack of diligence by the lessee. (30 U.S.C. 188). In enacting Public Law 91-245, the Congress recognized that the limited discretion given to the Secretary would not provide relief in all deserving cases, and contemplated that private legislation would continue to be necessary in such instances. (See H. Report 91-1005, April 14, 1970).

The Federal non-competitive oil and gas lease numbered NM-12846, covering 800 acres in Lea County, New Mexico was issued on January 1, 1971 for a primary term of ten years. A two year extension to the lease was available as provided by the Mineral Lands Leasing Act (30 U.S.C. 226), if drilling was commenced prior to the end of the primary term and diligently prosecuted thereafter.

Drilling operations were begun by Gulf Oil Exploration and Production before the lease expiration date with the actual well being spudded on December 12, 1980, and drilling operations being conducted over the expiration date. Thus the Company was entitled to a two-year extension by law (30 U.S.C. 226). However, due to a clerical error, the Company failed to make the \$400 rental payment on the lease anniversary date, thus triggering the automatic termination of the lease under operation of law (30 U.S.C. 188). When the error was discovered rental payment was promptly paid on August 7, 1981.

Unaware of the fact that the lease had terminated, after expending \$2,455,266, the lessee reached the proposed depth of 15,200 feet in September 1981, at which time the Geological Survey notified the Bureau of Land Management that the operations were diligent and that Gulf was entitled to a two-year extension. The two-year extension was granted October 7, 1981. However, it was subsequently determined that the lease had terminated on January 2, 1981 for failure to pay rent for the 11th year of the lease. Gulf was notified of this decision on October 15, 1981. Gulf appealed this decision. On April 23, 1982 the Board of Land Appeals affirmed the termination. Gulf has estimated that the well has an initial potential of 1,050,000 cubic feet of gas per day. On February 8, 1982, the Department of the Interior entered into an agreement with Gulf to permit continued operation of the well, pending enactment of legislation. Receipts less operating costs are held in escrow.

The Committee considers reinstatement to be justified in this case for two related reasons. First, the failure to pay the annual rental was inadvertent, resulting from clerical error. Second, unless the lease is reinstated, Gulf Oil Exploration and Production Company-United

States will be unable to realize the full benefits of its investment efforts to find a new oil and gas reserve. Gulf has expended \$2,455,266 and has developed a well capable of producing an estimated 1,050,000 cubic feet of gas per day. In light of these considerations, the Committee believes it would be inequitable not to allow the reinstatement of the oil and gas lease for failure to pay the annual rental of \$400.

LEGISLATIVE HISTORY

S. 1877 was introduced on November 19, 1981 by Mr. Domenici (for himself and Mr. Schmitt). A hearing was held by the Subcommittee on Energy and Mineral Resources of the Committee on Energy and Natural Resources to consider S. 1877 on May 7, 1982. The bill was considered in an open business session on May 13, 1982.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on May 13, 1982, by a unanimous vote of a quorum present recommended that the Senate pass S. 1877 if amended, as described herein.

The rollcall vote on reporting the measure was 18 yeas and 0 nays as follows:

YEAS	NAYS
McClure	
Hatfield	
Weicker ¹	
Domenici ¹	
Wallop	
Warner	
Humphrey	
Murkowski ¹	
Nickles	
East ¹	
Heinz ¹	
Jackson ¹	
Johnston	
Bumpers ¹	
Ford	
Matsunaga	
Melcher	
Bradley	

COMMITTEE AMENDMENTS

The Committee amendment provides for the application of the normal lease cancellation procedures and the possibility of waiver by the Department of non-statutory breaches of the lease.

COST AND BUDGETARY CONSIDERATIONS

This measure is in the nature of private relief; however, the Committee feels that no significant cost or budgetary impact will result from its enactment.

¹ Indicates voted by proxy.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1877. The bill is not a regulatory measure in the sense of imposing Government standards or significant economic responsibilities on private individuals or business. No personal information will be collected in administering the provisions of the bill. Therefore, it would not impact on personal privacy. Little, if any, additional paperwork would result from the enactment of S. 1877.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports and communications received by the Committee from the Department of the Interior setting forth Executive agency recommendations relating to S. 1877 are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 8, 1982.

HON. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Your Committee has requested the views of this Department on S. 1877, a bill "To provide for the reinstatement and validation of United States oil and gas lease numbered NM-12846."

We would not object to enactment of the bill if the Congress finds that the facts of the case warrant the special relief that the bill would grant.

S. 1877 would reinstate and validate oil and gas lease NM-12846 which was issued to Gulf Oil Corporation for a 10-year period effective January 1, 1971. The lease covers 800 acres in Lea County, New Mexico.

The initial term of the lease ended on December 31, 1980. Drilling operations were being conducted over the expiration date. The lessee did not reach the proposed depth until September 1981, at which time the U.S. Geological Survey advised the New Mexico State Office of the Bureau of Land Management that the operations were diligent and that the lessee was entitled to a 2-year extension.

By decision dated October 7, 1981, the lease was extended until December 31, 1982. However, the rent for the eleventh year, which was due on January 2, 1981, had not been paid until August 17, 1981. Consequently, the lease had terminated pursuant to 30 U.S.C. 188 for failure to pay rent in a timely manner. On October 15, 1981, the decision extending the lease was vacated. Gulf has appealed to the Interior Board of Land Appeals, but the case has not yet been decided.

Gulf has filed a report with U.S. Geological Survey indicating that a well on the leasehold has an initial potential of 1,050,000 cubic-feet of gas per day. The well is presently shut down pending the completion of pipeline construction.

The activities of Gulf Oil demonstrate an intent to develop the leasehold in an expeditious manner. Reinstatement of the lease would result in production of a beneficial resource and would, therefore, be in the national interest.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DAVID C. RUSSELL,
Acting Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1877, as reported.



GRAZING PERMIT ADJUSTMENTS FOR CAPITOL REEF
NATIONAL PARK, UTAH

MAY 27 (legislative day, MAY 25), 1982.—Ordered to be printed

Mr. McCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany S. 1872]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1872) to amend the Act establishing the Capitol Reef National Park in the State of Utah to provide for a grazing phaseout schedule, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill as amended do pass.

The amendments are as follows:

1. On page 1, revise lines 3 through 5 to read as follows:

That section 3 of the Act entitled, "An Act to Establish the Capitol Reef National Park in the State of Utah," approved December 18, 1971 (85 Stat. 639), is amended to read as follows:

2. On page 1, line 7, strike out "the Act of December 18, 1971," and insert in lieu thereof "this Act".

3. On page 2, lines 1 and 2, strike out "purposes, or for other purposes not inconsistent with the Act of August 25, 1916 (39 Stat. 535)," and insert in lieu thereof "purposes or uses incident to grazing,".

4. On page 2, lines 5 and 6, strike out "successors, or assigns of such person,".

5. On page 2, lines 9 and 10, strike out "Secretary of the Interior" and insert in lieu thereof "Secretary".

6. On page 2, line 11, strike out "the Act of December 18, 1971," and insert in lieu thereof "this Act,".

7. On page 2, lines 17 and 18, strike out "the Act of December 18, 1971," and insert in lieu thereof "this Act".

8. On page 2, line 15, strike out "Secretary of the Interior:" and insert in lieu thereof "Secretary:".

9. On page 2, line 17, strike out "Capitol Reef National Park" and insert in lieu thereof "park".

10. On page 3, after line 3, add a new section as follows:

SEC. 2. Within one year from the date of enactment of this act, the National Park Service and the Bureau of Land Management shall jointly conduct a study assessing (1) the condition and trend of the rangeland resources within Capitol Reef National Park and (2) the present and potential impacts of domestic livestock grazing on the rangeland resources, wildlife, recreational and other values within the park. The two agencies shall then promptly submit a single report of their findings to the Senate Committee on Energy and Natural Resources and the House Committee on Interior and Insular Affairs.

PURPOSE OF THE MEASURE

S. 1872, as reported, would amend the Act to establish Capitol Reef National Park by deleting section 3, which provides for a phase-out of grazing privilege for domestic livestock in the Park and replacing that Section with terms and provisions that would allow permittees a grazing permit period of 25 years from December 18, 1971, and thereafter during the permittees' lifetime and the lifetime of the permittees' heirs.

BACKGROUND AND NEED

At the time Capitol Reef National Park was established in December 1971 (Public Law 92-207), a number of grazing permits administered by the Bureau of Land Management were in effect. To provide for a gradual elimination of grazing in the park, the establishing act provided for one extension of the permits when they reached their expiration date. Later, the National Park Service realized that some permits were for 10 years and others were for 1 year, and it would not be fair to the 1-year permittee to occupy their leases for an additional 10 years. To alleviate this situation, the National Park Service granted the 1-year permittees 10 renewals so that their phaseout time was equal administers the permits.

1981 is the last year that grazing will be allowed by all permittees originally issued permit extension. By 1982, 29 of the possible 45 allotments will be phased out; by 1988, 11 more will be phased out, and by 1992, the rest of the grazing will be gone from the area. Not all of the possible allotted animal unit months are now utilized.

However, as mandated in Public Law 92-207, those leases on adjacent public lands that are separated by park lands can still be reached over traditional historic stock driveways through the park by " * * * owners and operators of cattle and sheep herds existing on the date immediately prior to such date of enactment * * * ." The use of these stock driveways may be controlled by reasonable regulations promulgated by the Secretary of the Interior. The National Park Service in

current Master Plan studies has proposed minor boundary changes as a partial alternative to cancellation of the permits. The proposed boundary adjustments would not cover the entire area under permit.

If the extant permits are terminated, the National Park Service may be required to erect drift fences to keep livestock off park lands.

LEGISLATIVE HISTORY

S. 1872 was introduced by Senators Garn and Hatch on November 19, 1981. The Public Lands and Reserved Water Subcommittee conducted a hearing on April 14, 1982. Testimony supporting S. 1872, if amended, was received from the Administration. At a business session on May 13, 1982, S. 1872 was ordered favorably reported with amendments.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on May 13, 1982, by a unanimous vote of a quorum present recommended that the Senate pass S. 1872 if amended, as described herein.

The rollcall vote on reporting the measure was 18 yeas and 0 nays as follows:

YEAS

NAYS

McClure
Hatfield
Weicker ¹
Domenici ¹
Wallop
Warner
Humphrey
Murkowski ¹
Nickles
East ¹
Heinz ¹
Jackson ¹
Johnston
Bumpers ¹
Ford
Matsunaga
Melcher
Bradley

COMMITTEE AMENDMENTS

Amendment number 1 is a perfecting amendment. S. 1872 refers to the Act of December 18, 1971, only its popular name and by citation only to title 16 of the United States Code, which has not been enacted into positive law; in addition the second reference in S. 1872 to Section 3 is redundant.

Amendment number 2 is a perfecting amendment that conforms the text of S. 1872 to that of the 1971 Act.

¹ Indicates voted by proxy.

Amendment number 3 limits the continuation of use and occupancy only to grazing and uses incident to grazing, and eliminates the possibility of grandfathering any other unintended uses.

Amendment number 4 limits the continuation of grazing privileges only to the holders of present leases and their heirs and is consistent with the individuals originally covered in Section 3 of the Act establishing Capitol Reef National Park.

Amendments number 5 thru 9 are perfecting amendments that conform the text of S. 1872 to that of the 1971 Act.

Amendment number 10 provides for a study assessing conditions and trends of the rangeland resources and the impacts of grazing in Capitol Reef National Park. The Committee notes that there have been no studies by the National Park Service or the Bureau of Land Management which would assist the management of grazing use in Capitol Reef by defining the effect of this activity on the park. The Committee expects such a study to be done by the Park Service and BLM, using impartial and scientific methods, and that a report on the study should be made available to the Congress at the earliest practicable date.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., May 24, 1982.

HON. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate,
Washington, D.C., May 24, 1982.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 1872, a bill to amend the act establishing the Capitol Reef National Park in the State of Utah to provide for a grazing phaseout schedule, and for other purposes, as ordered reported by the Senate Committee on Energy and Natural Resources, May 13, 1982.

In Public Law 92-207, an act to establish the Capitol Reef National Park in the State of Utah, a domestic livestock grazing phaseout schedule was created for the lands included in the park. This schedule requires that much of the grazing be discontinued in fiscal year 1982, with the remainder phasing out during fiscal years 1987 through 1992. S. 1872 amends Public Law 92-207 to allow permittees to continue domestic livestock grazing on lands under lease for grazing upon establishment of the park for a period of 25 years from enactment of the act establishing the park or the life of the permittee or his heirs (if they were a part of his immediate family upon enactment of Public Law 92-207).

Based on information from the Bureau of Land Management, it is estimated that there will be no significant budget impact as a result of enactment of this legislation, because the several thousand dollars in additional receipts realized by the federal government as a result of the grazing phaseout extension will be virtually offset by the costs associated with monitoring and licensing the additional grazing.

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The bill also directs the National Park Service, in conjunction with the Bureau of Land Management, to conduct a study assessing the impact of domestic livestock grazing on the natural resources of the park. Based on information from the agencies, it is estimated that this study will cost the federal government approximately \$50,000 in fiscal year 1983.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

RAYMOND C. SCHEPPACH
(For Alice M. Rivlin, Director).

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of the Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1872.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses. S. 1872 would amend Section 3 of the Act to establish Capitol Reef National Park to provide for a grazing phase-out schedule along generational line of the permittees.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little if additional paperwork would result from the enactment of S. 1872.

EXECUTIVE COMMUNICATIONS

The pertinent legislative reports and communications received by the Committee from the Department of the Interior setting forth Executive Agency recommendations relating to S. 1872 are set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., May 10, 1982.

HON. JAMES A. MCCLURE,
*Chairman, Committee on Energy and Natural Resources, U.S. Senate,
Washington, D.C.*

DEAR MR. CHAIRMAN: Your Committee has requested the views of this Department on S. 1872, a bill "To amend the Act establishing the Capitol Reef National Park in the State of Utah to provide for a grazing phase-out schedule, and for other purposes."

We would support enactment of the bill with minor amendments to conform the bill to the original authorizing legislation for Capitol Reef Park.

For many years, the administrative policies of the National Park System have provided for the eventual elimination of domestic livestock grazing in all National Park System areas where it exists. The single exception to this general policy has involved certain historical

areas, where grazing is important to the maintenance of historical scenes. The Congress has generally agreed with this phased reduction policy.

Capitol Reef National Park was established to preserve the park's unique geological formations, such as the water pocket fold, and the natural ecosystem that this area represents. In accordance with these purposes, section 3 of the Act of December 18, 1971 (85 Stat. 639), which established Capitol Reef National Park, already provides for an expiration of grazing within the park. S. 1872 would modify the current law, along the line of the Grand Teton National Park grazing reduction provisions.

Most of the Federal lands transferred from the Bureau of Land Management to the National Park Service by the 1971 Act had outstanding grazing leases. Currently, there are 18 grazing allotments at Capitol Reef National Park. Fifteen of these allotments lie both within and outside the park, and ten have more than 10 percent of their acreage within the park. Three allotments are totally within the park.

Termination of all grazing in the park at this time would reduce the existing allotments by 25 percent, from 17,393 animal unit months (AUMs) to 13,975 AUMs. The effects on individual ranchers caused by the elimination of grazing at this time would range from minimal to extreme, depending on the amount any given allotment overlaps the park. The total use within the park during 1982 is 3,418 AUMs. To date, two permits have been phased out. An additional 26 permits, totaling 738 AUMs are due to expire at the end of the current fiscal year.

Cattle ranching in this area has been a longstanding tradition and continues to be an important element in the local economy. We support the concept in S. 1872 of trying to provide an equitable solution to the current problem and minimize the impacts upon local ranchers and their lifestyle.

The 1971 Act provided for a phase-out based upon the time remaining in the existing leases, plus one extension: each of the one-year leases was granted a 10-year extension; 10-year leases were granted one 10-year extension from their date of expiration. Under this current law, the existing leases will be eliminated over the next 10 years, with the last lease expiring on May 31, 1992.

Under the provisions of S. 1872, the grazing leases or other forms of occupancy existing on December 18, 1971, would be extended so that all leases would expire 25 years from that date. Thereafter, they would be extended for the lifetime of those individuals holding the leases and their heirs, successors and assigns if they were members of the holder's immediate family on that date. Continued grazing within the park must be accomplished in a manner that does not result in any permanent damage to public resources, especially with regard to those park resources which have been recognized by Congress through the addition of this area to the National Park System. Continued inter-agency cooperation will help assure this protection.

While we support S. 1872, we do recommend a series of amendments to insure that continued grazing within the park is consistent, to the extent practicable, with the purposes for which the park was established.

First, we ask that the bill be amended to limit the transfer of allotments to persons and their heirs who were occupying or utilizing the land on December 18, 1971. This approach is an equitable solution, because—by allowing a limited extension of grazing for those individuals whose rights were grandfathered by the Act which created Capitol Reef National Park—it will protect the ranching lifestyle of those individuals and their children. At the same time, it also provides for the eventual termination of grazing, which is appropriate.

Second, we recommend a series of technical amendments which would clarify the language and its intent, to ensure that its effect pertains only to grazing and uses incident to grazing. Those amendments are as follows.

On page 1, revise lines 3 through 5 to read:

The section 3 of the Act entitled, "An Act to Establish the Capitol Reef National Park in the State of Utah," approved December 18, 1971 (85 Stat. 639), is amended to read as follows:

This is a perfecting amendment. The printed bill refers to the Act of December 18, 1971, only by its popular name and by citation only to title 16, of the United States Code, which has not been enacted into positive law. In addition, the second reference in the printed bill to section 3 is redundant.

On page 2, lines 1 and 2, strike out "or for other purposes not inconsistent with the Act of August 25, 1916 (39 Stat. 535)," and insert in lieu thereof "or uses incident to grazing." This amendment limits the continuation of use and occupancy to grazing and uses incident to grazing, and eliminates the possibility of grandfathering any other unintended uses.

On page 2, lines 5 and 6, strike out "successors, assigns of such person." This amendment limits the continuation of grazing privileges to the holder and his heirs and is consistent with section 3 of the Act establishing Capitol Reef National Park.

On page 1, line 7, and on page 2, lines 11 and 17-18, strike out "the Act of December 18, 1971," and insert in lieu thereof "this Act"; on page 2, lines 9-10 and 15, strike out "Secretary of the Interior" and insert in lieu thereof "Secretary"; and on page 2, line 17, strike out "Capitol Reef National Park" and insert in lieu thereof "park." This also is a perfecting amendment. It conforms the text of the bill to that of the 1971 Act.

The Office of Management and Budget has advised us that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

DONALD PAUL HODEL,
Under Secretary.

ADDITIONAL VIEWS OF SENATOR JACKSON

I am pleased that the Committee adopted an amendment requiring a joint study of the condition and trend of the rangeland resources within Capitol Reef National Park and the present and potential impacts of domestic livestock grazing on the rangeland resources, wildlife, recreational and other park values.

From testimony received at the hearing on S. 1872, it is clear that the impacts of grazing in the park have not been adequately assessed. While some evaluation has taken place, the actual location of the studies was not within the park boundaries. If we are going to permit grazing within the park on a long-term basis, it seems only reasonable to assess the impacts of the activity on park resources. It is especially important for the study to consider the impacts of grazing on native plant and animal species, soil erosion and compaction, water resources, and recreation-related values.

As a general rule, all resource management within national parks is conducted by the National Park Service. However, grazing use in the past within Capitol Reef National Park has been administered and managed by the Bureau of Land Management. This was not inappropriate so long as grazing was to be phased out in a short period of time. However, with a long-term phaseout program as established under this legislation, I feel that grazing use within the park should be managed by the National Park Service, as is the case of Grand Teton National Park in Wyoming. At Grand Teton, the Park Service has promulgated regulations applicable to grazing use within the park and it seems that the Park Service could promulgate similar regulations for Capitol Reef National Park. I hope that the study required by this Act will address this subject.

HENRY M. JACKSON.

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CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1872, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman) :

THE ACT OF DECEMBER 18, 1971 (85 STAT. 639)

* * * * *

[SEC. 3. Where any Federal lands included within the park are legally occupied or utilized on the date of approval of this Act for grazing purposes, pursuant to a lease, permit, or license for a fixed term of years issued or authorized by any department, establishment, or agency of the United States, the Secretary of the Interior shall permit the persons holding such grazing privileges or their heirs to continue in the exercise thereof during the term of the lease, permit, or license, and one period of renewal thereafter.]

SEC. 3. Where any Federal lands included within the park by this Act were legally occupied or utilized on the date of approval of that Act for grazing purposes or uses incident to grazing, pursuant to a lease, permit, or license issued or authorized by any department, establishment, or agency of the United States, the person so occupying or utilizing such lands and the heirs, shall, upon the termination of such lease, permit, or license, be entitled to have the privileges so possessed or enjoyed by him renewed from time to time, subject to such terms and conditions as the Secretary shall prescribe, for a period of twenty-five years from the date of approval of this Act, and thereafter during the lifetime of such person and the lifetime of his heirs, successors, or assigns but only if they were members of his immediate family on such date, as determined by the Secretary: Provided, That grazing privileges appurtenant to privately owned lands located within the park established by this Act shall not be withdrawn until title to lands to which such privileges are appurtenant shall have vested in the United States, except for failure to comply with the regulations applicable thereto after reasonable notice of default: Provided further, That nothing in this section shall apply to any lease, permit, or license for mining purposes or for public accommodations and services or to any occupancy or utilization of lands for purely temporary purposes. Nothing contained in this Act shall be construed as creating any vested right, title, interest, or estate in or to any Federal lands.

* * * * *